

DEC. 4. 2006 - 11:56AM

HDP 2483411484

**RECEIVED
CENTRAL FAX CENTER**

NO. 484

P. 7

DEC 04 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Publication No. US2004/0106924
Issue Date: June 3, 2004
Inventors: Ralph et al.
Serial No.: 10/725,307
Filing Date: December 1, 2003
Attorney Docket: 5490E-000608/COC

**NOTIFICATION OF LOSS OF
ENTITLEMENT TO SMALL
ENTITY STATUS**

Mail Stop M Correspondence
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

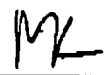
Sir:

The undersigned wishes to inform the Office that the Applicant no longer qualifies for small entity status under 37 C.F.R. § 1.27. It is therefore requested that small entity status for the Applicant be withdrawn.

If there are any questions concerning this matter, please do not hesitate to contact the undersigned at the number below.

Respectfully submitted,
Attorney for Applicant

Date: November 10, 2006



Maria Comninou
Reg. No. 44,626

HARNESS, DICKEY & PIERCE P.L.C.
P.O. BOX 828
Bloomfield Hills, MI 48303
(248) 641-1600

STO/MAC/sms



Harnes Dickey & Pierce PLC
Attorneys and Counselors
5445 Corporate Drive, Suite 200
Troy, Michigan 48068-2683
Phone: 248-641-1600 Fax: 248-641-0270
Metropolitan: Detroit St. Louis Washington, DC

RECEIVED
CENTRAL FAX CENTER
DEC 04 2006

DATE: December 4, 2006

NO. OF PAGES (INCLUDING THIS PAGE): 7

FOR: OIPE

COMPANY: USPTO

FAX NO.: 571-273-8300

PHONE:

ORIGINAL WILL FOLLOW BY:

- ☐ REGULAR MAIL
☐ OVERNIGHT MAIL
☐ COURIER
☒ WILL NOT FOLLOW

FROM: Maria Comninou / Susan Steinke

Please let us know by phone or fax if you do not receive any of these pages.

COMMENTS:

Re: REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF NEW POWER OF ATTORNEY
Application No. 10/725,307
Atty Docket no. 5490E-000608/COC

It appears that the following documents were sent directly to the assignment division, WITHOUT BEING RECORDED, nor sent on the proper route to be recorded.

Please record the following ASAP:

- 1) REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEY;
- 2) STATEMENT UNDER 3.73(b) AND POWER OF ATTORNEY (Assignment attached); AND
- 3) NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS.

NOTICE

The information contained in this fax transmission is intended only for the individual to whom or entity to which it is addressed. It may also contain privileged, confidential, attorney work product or trade secret information which is protected by law. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering the message to the addressee, the reader is hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address above via the U.S. Postal Service. We will reimburse you for any reasonable expense (including postage) for the return of the original message.

DEC 04 2006

PTO/SB/82 (08-03)

Approved for use through 11/30/2005. OMB 0951-0036
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.REVOCATION OF POWER OF
ATTORNEY and APPOINTMENT
OF
NEW POWER OF ATTORNEY

Application Number	10/725,307
Filing Date	December 1, 2003
First Named Inventor	James D. Ralph
Art Unit	3733
Examiner Name	Pedro Philogene
Attorney Docket Number	5480E-000808/COC

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☒ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ I hereby appoint the practitioners at Customer Number :

27572

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with
Customer Number:

27572

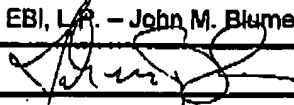
OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City					
Country		State		ZIP	
Telephone		Fax			

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	EBI, L.P. - John M. Blumers		
Signature			
Date	11/1/06	Telephone	800-526-2579

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER**

DEC 04 2006

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Publication No.: US2004/0106924
Publication Date: June 3, 2004
Application No.: 10/725,307
Filing Date: December 1, 2003
Applicants: Ralph et al.
Title: LONGITUDINAL PLATE ASSEMBLY HAVING AN
ADJUSTABLE LENGTH
Attorney Docket: 5490E-000608/COC

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 3.73(b) AND POWER OF ATTORNEY

Under 37 C.F.R. § 3.73(b), the undersigned hereby states that the below-named Assignee is an assignee in the above-identified Application:

Assignee: EBI, L.P.
100 Interpace Parkway
Parsippany, New Jersey 07054

The documentary evidence of a chain of title from the original owner to the Assignee is provided in the Assignment Document(s):

- ☒ filed herewith,
- ☒ previously filed,

Reel No. 012603, Frame No. 0324.

POWER OF ATTORNEY

I hereby appoint David L. Ahlersmeyer, Reg. No. 31,938 and Eric Waldkoetter, Reg. No. 36,713 of Biomet, Inc.; Konstantin Caploon, Reg. 51,527 of EBI L.P., Stephen T. Olson, Reg. No. 36,626, Maria Comninou, Reg. No. 44,626, and Stephen J. Foss, Reg. No. 31,251; of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CORRESPONDENCE ADDRESS

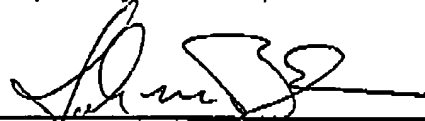
I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

Date:

12/1/06

Respectfully submitted,



Name: John M. Blumers, Esq.
Title: Assistant Secretary
EBI L.P.

By: EBI Holdings, Inc., acting in its capacity
as General Partner of EBI, L.P.

ASSIGNMENT

Atty. Docket No. 5490E-000608/COC

The undersigned, hereinafter referred to collectively as Assignor, has an interest in the invention entitled:

LONGITUDINAL PLATE ASSEMBLY HAVING AN ADJUSTABLE LENGTH

which is the subject of a United States or International application for patent

- (a) ☐ executed on even date preparatory to filing (each inventor should sign this Assignment on the same day as he/she signs the Declaration and Power of Attorney);
- (b) ☐ executed on _____, _____, _____;
- (c) ☒ filed on December 1, 2003, and assigned Serial No. 10/725,307
☒ presently assigned as evidenced at Reel 012603, Frame 0324;
- (d) ☐ U.S. Patent No. _____, Issued _____, and
☐ presently assigned as evidenced at Reel _____, Frame _____; or
- (e) ☐ entitled above and naming the undersigned inventors in this provisional patent application; and

EBI, L. P., an Indiana Limited Partnership, having a place of business at 100 Interpace Parkway, Parsippany, New Jersey 07054, hereinafter referred to as Assignee, is desirous of acquiring Assignor's interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy whereof is hereby acknowledged, Assignor by these presents does sell, assign and transfer unto Assignee and its successors in interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the laws of the United States, the Paris Convention, and any foreign countries, to the said invention as described in the aforesaid application, said application for patent and all Letters Patent therefor to be held and enjoyed by Assignee to the full end of the term for which said Letters Patent are granted and any extensions thereof as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and the right to recover for past infringements of, or liabilities for, any of the rights relating to any of said applications or patents resulting therefrom;

Assignor hereby covenants and agrees to execute all instruments or documents required or requested for the making and prosecution of any applications of any type for patent in the United States and in all foreign countries including, but not limited to, any provisional, continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to letters patent any reissue, re-examination, or extension thereof, and for litigation regarding, or for the purpose of protecting title and to the said invention, the United States application for patent, or Letters Patent therefor, and to testify in support thereof, for the benefit of Assignee without further or other compensation than that above set forth;

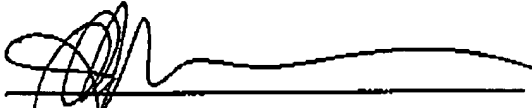
Assignor hereby covenants that no assignment, sale or agreement or encumbrance has been or will be entered into which would conflict with this Assignment; and

Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to Assignee, and requests that any official of any country or countries foreign to the United States, whose duty it is to issue or grant patents and applications as aforesaid, to issue said Letters Patent, Utility Model Registration or Inventor's Certificate to Assignee.

Assignor hereby authorizes an attorney authorized to prosecute this patent application to insert here in parentheses (Application No. 10/725,307, filed 12/01/2003) the filing date and application number of said application when known.

ASSIGNMENT

Atty. Docket No. 5490E-000608/COC



Joseph P. Errico
General Counsel and Member
Third Millennium Engineering, LLC
Assignor

Dated: October 19, 2006

State of _____)
County of _____) ss.

On this _____ day of _____, 20____, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he/she executed the same of his/her own free will for the purposes therein set forth.

Notary Public,

Acting in the County Of

State Of

My Commission Expires

(seal)

STD/MAC/ma